

# **Exhibit A**

Declaration of Adeline S. Rolnick

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

CONCERNED PASTORS FOR SOCIAL  
ACTION, et al.,

Case No. 16-10277

Plaintiffs,

v.

Hon. David M. Lawson

NICK A. KHOURI, et al.,

Defendants.

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**DECLARATION OF ADELINE S. ROLNICK**

I, Adeline S. Rolnick, declare as follows:

1. I am counsel for Plaintiffs Natural Resources Defense Council (NRDC), Concerned Pastors for Social Action, and Melissa Mays in this action. I am a member in good standing of the bars of the State of New York and the District of Columbia. I am admitted to practice in the Eastern District of Michigan.
2. Attached as Exhibit 1 is a true and correct copy of email correspondence among Melanie Calero, NRDC, and Joseph Kuptz, Assistant City Attorney, City of Flint, et al., between July 14 and August 1, 2023.
3. Attached as Exhibit 2 is a true and correct copy of an email sent by Adeline Rolnick, NRDC, to Joseph Kuptz, Assistant City Attorney, City of Flint, et al., on July 26, 2023.

4. Attached as Exhibit 3 is a true and correct copy of an email sent by Joseph Kuptz, Assistant City Attorney, City of Flint, to Adeline Rolnick, NRDC, et al., on June 22, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Washington, D.C. on August 3, 2023.

/s/ Adeline S. Rolnick  
Adeline S. Rolnick  
Natural Resources Defense Council  
1152 15<sup>th</sup> Street NW, Suite 300  
Washington, DC 20005  
(202) 513-6240  
arolnick@nrdc.org

*Counsel for Plaintiffs Concerned  
Pastors for Social Action, Melissa  
Mays, and Natural Resources Defense  
Council, Inc.*

# **Exhibit 1**

To August 3, 2023 Declaration of Adeline S. Rolnick

**From:** Calero, Melanie  
**To:** Joseph Kuptz; Kuhl, Richard (AG); Tallman, Sarah; William Kim; Clyde Edwards; Rolnick, Addie; Bonsitu Kitaba; Vandal, Nicole; Wall, Michael  
**Subject:** RE: Concerned Pastors, et al v City of Flint, et al re: Analysis of 704 Addresses  
**Date:** Tuesday, August 1, 2023 9:33:00 AM

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Joe,

Plaintiffs have reviewed the City's analysis of the 704 addresses that Plaintiffs identified as having a reported excavation but no reported restoration status, and have some follow-up questions.

First, Plaintiffs request additional information about the 20 "residual" addresses identified by the City in its analysis. To the extent the City's position is that these addresses are currently vacant lots or do not exist, Plaintiffs are puzzled as to why the City reported excavations and/or replacements at these addresses. **Please explain why the City reported an excavation at these addresses as soon as possible.** For example, did the City report excavations at these addresses due to a data entry error, when in fact the City completed the corresponding excavation elsewhere? It is critical that the City verify that none of these addresses correspond to an actual excavated address requiring potential restoration.

Second, Plaintiffs have identified an additional previously excavated address that is not listed in the City's July 14 analysis or any of its 2023 restoration reporting: [REDACTED] (The City reported an excavation and replacement at this address in the report titled "2018.08.28 FAST Quarterly Report.xlsx.") **Please confirm the restoration status of this address as soon as possible.**

Regards,  
Melanie

MELANIE CALERO  
*Attorney*

NATURAL RESOURCES DEFENSE COUNCIL  
40 W 20TH STREET  
NEW YORK, NY 10011  
[MCALERO@NRDC.ORG](mailto:MCALERO@NRDC.ORG)  
PRONOUNS: SHE/HER

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**From:** Calero, Melanie  
**Sent:** Wednesday, July 19, 2023 4:32 PM  
**To:** Joseph Kuptz <jkuptz@cityofflint.com>; Kuhl, Richard (AG) <kuhlr@michigan.gov>; Tallman, Sarah <stallman@nrdc.org>; William Kim <wkim@cityofflint.com>; Clyde Edwards <cedwards@cityofflint.com>; Rolnick, Addie <ARolnick@nrdc.org>; Bonsitu Kitaba <bkitaba@aclumich.org>; Vandal, Nicole <nvandal@nrdc.org>; Wall, Michael <mwall@nrdc.org>  
**Subject:** RE: Concerned Pastors, et al v City of Flint, et al re: Analysis of 704 Addresses

Joe,

Thank you for sharing the City's analysis of the 704 addresses that Plaintiffs identified as having a reported excavation but no reported restoration status. We are working to assess this spreadsheet.

Plaintiffs also have some follow-up questions regarding the City's restoration reporting. First, the City stated in its June 28 monthly report that it would share supplemental reporting on any emails and calls received from residents during the reporting period concerning the City's visual inspections. See ECF No. 258 at 25. The City has not shared this required reporting to date. Please provide the missing reporting as soon as possible.

Second, Plaintiffs request sample photos of inspected addresses to confirm the accuracy of the City's visual inspections. See ECF No. 258 at 24. Please provide images of the 20 addresses listed in the attached Excel file as soon as possible, and by no later than July 26.

Regards,  
Melanie

MELANIE CALERO  
*Attorney*

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40 W 20TH STREET  
NEW YORK, NY 10011  
[MCALERO@NRDC.ORG](mailto:MCALERO@NRDC.ORG)  
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**From:** Joseph Kuptz <[jkuptz@cityofflint.com](mailto:jkuptz@cityofflint.com)>

**Sent:** Friday, July 14, 2023 11:32 AM

**To:** Kuhl, Richard (AG) <[kuhlr@michigan.gov](mailto:kuhlr@michigan.gov)>; Tallman, Sarah <[stallman@nrdc.org](mailto:stallman@nrdc.org)>; William Kim <[wkim@cityofflint.com](mailto:wkim@cityofflint.com)>; Clyde Edwards <[cedwards@cityofflint.com](mailto:cedwards@cityofflint.com)>; Rolnick, Addie <[ARolnick@nrdc.org](mailto:ARolnick@nrdc.org)>; Bonsitu Kitaba <[bkitaba@aclumich.org](mailto:bkitaba@aclumich.org)>; Calero, Melanie <[mcalero@nrdc.org](mailto:mcalero@nrdc.org)>; Vandal, Nicole <[nvandal@nrdc.org](mailto:nvandal@nrdc.org)>; Wall, Michael <[mwall@nrdc.org](mailto:mwall@nrdc.org)>

**Subject:** Concerned Pastors, et al v City of Flint, et al re: Analysis of 704 Addresses

Following the hearing on Friday, June 30th, the City performed a detailed and complete analysis of the 704 addresses at which Plaintiffs alleged that service line excavation had occurred, but did not appear on any of the City's restoration reporting.

Attached, please find the results of that analysis - "2023.07.14 Excavated Addresses Missing from 06-2023 Restoration Reporting - Post Anal.xlsx."

As you will see, there are three tabs on that file, (1) Homes to Complete Based on VI, (2) Homes Completed Based on VI, and (3) Residual Addresses.

Of Plaintiffs' list of 704 addresses, the City states that (1) on 80 of those, visual

inspection had previously been completed by the City, (2) 604 still required visual inspection, and (3) 20 were invalid addresses or vacant parcels.

With respect to the 80 addresses at which visual inspection had previously been completed by the City, those addresses are highlighted in green on the "Homes Completed Based on VI" tab. There are comments next to each. The majority are due to either (1) the property being part of a duplex, (2) a misspelling in the street name, or (3) an improper address type (i.e., DR instead of CT, no "E" designation, etc.).

With respect to the 604 addresses still requiring visual inspection, the City performed compliant visual inspections at those addresses, which were completed by July 7, 2023. You will see that those 604 visual inspections yielded an additional 140 addresses at which restoration was still required.

Please let me know if you have any questions or concerns.

Thank-you.

Joe

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Joseph N. Kuptz, Assistant City Attorney  
City of Flint, Department of Law  
1101 S. Saginaw St., 3rd Floor  
Flint, MI 48502  
(810) 237-2085

# **Exhibit 2**

To August 3, 2023 Declaration of Adeline S. Rolnick

**From:** [Rolnick, Addie](#)  
**To:** [Joseph Kuptz](#); [William Kim](#)  
**Cc:** [Calero, Melanie](#); [Tallman, Sarah](#); [Wall, Michael](#); [Vandal, Nicole](#); [Kuhl, Richard \(AG\)](#); [Bonsitu Kitaba](#)  
**Subject:** Concerned Pastors v. Khouri  
**Date:** Wednesday, July 26, 2023 5:34:20 PM  
**Attachments:** [2023.07.26 Pls' List of Homes Needing Excavation and or Replacement.xlsx](#)

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Joe,

In advance of the upcoming August 1 deadline for the City to complete all required service line excavations and replacements, Plaintiffs have updated their analysis of where, based on the City's reporting, the City has remaining excavation and/or replacement work.

**Remaining Work:** Based on the reporting provided to date, Plaintiffs understand the City to have remaining excavation and/or replacement obligations to 335 addresses. These addresses are listed in the attached spreadsheet ("2023.07.26 Pls' List of Homes Needing Excavation and or Replacement.xlsx"). These homes fall into the following categories:

1. **201 homes**, listed on tab 1 ("Excavation required"), require an excavation because the City reported that a resident consented to an excavation, but has not to date reported an excavation at that address.
  - Column D ("consent source file") lists the reporting spreadsheet indicating that a resident consented to excavation.
2. **50 homes**, listed on tab 2 ("Replacement required"), require replacement of a lead or galvanized service line. For these addresses, the City's reporting indicates that a lead or galvanized service line was found, but the City's reporting to date does not indicate that that service line was replaced.
  - Column D ("SLE/SLR Status Source") lists the reporting spreadsheet listing service line excavation and/or replacement data for each address. Columns E through I contain the reported information on service line composition, excavation date, replacement status, and replacement status date.
  - This tab also includes homes which the City listed as requiring replacement in the file titled "2022.01.05 Preliminary SLE-SLR Replacement Eligible Homes List." These homes are labeled with a "yes" in Column J.
3. **84 homes**, listed on tab 3 ("Information missing"), are addresses where the City reported an excavation, but where the City's reporting to date is missing information on service line composition and/or replacement status. Because of this, the City's reporting to date does not demonstrate (and Plaintiffs cannot verify) that the City has completed required replacements at these addresses.
  - Column D ("Status Source") lists the reporting spreadsheet containing service line excavation and/or replacement data for each address. Columns E through I contain the reported information on service line composition, excavation date, replacement status, and replacement status date.

If the City has additional reporting showing that it has completed excavations and/or replacements at these addresses, or otherwise fulfilled its obligations to these homes, please share that reporting as soon as possible to avoid unnecessary future disputes over whether the City has met the August 1 deadline.

In addition, the reporting the City provides within 14 days of when the City determines that it has completed service line excavations and replacements, ECF No. 237 ¶ 3; ECF No. 258 at 15-16, must demonstrate that it has fulfilled its obligations to every address on the 2022 Replacement Eligible

Homes List, including the addresses in the attached spreadsheet. In particular, if the City believes that it does not need to complete an excavation at a home because the resident did not respond to the City's attempts to schedule and/or reschedule the excavation, the City must provide reporting showing that it completed the required outreach. ECF No. 237 ¶ 3.d; ECF No. 258 at 15-16. Please provide any such reporting promptly, and in advance of the 14-day deadline if possible, to allow time to work through any questions about those addresses and to avoid unnecessary future disputes.

**Outstanding restoration questions:** The City has not yet responded to Melanie's July 19 email requesting photos of visually inspected addresses. Please provide those photos, as well as the call and email log missing from the City's June 28 monthly report, as soon as possible. This information is critical to Plaintiffs' evaluation of the accuracy of the City's visual inspections.

**Scheduling meet and confer:** To discuss any potential disputes over whether the City has met the August 1 deadline and an appropriate deadline for the remaining restoration work, Plaintiffs request a 90-minute meeting with appropriate representatives from the City and from ROWE. We are available at the following times (all EST):

Friday, August 4: 1:30-3:00pm  
Monday, August 7: 3:30-5:00pm  
Tuesday, August 8: 3:30-5:00pm  
Thursday, August 10: 3:30-5:00pm  
Friday, August 11: 12:00-3:00pm

Regards,

Addie

ADELINE ROLNICK  
*Attorney*

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# **Exhibit 3**

To August 3, 2023 Declaration of Adeline S. Rolnick

**From:** [Joseph Kuptz](#)  
**To:** [Kuhl, Richard \(AG\)](#); [Tallman, Sarah](#); [William Kim](#); [Clyde Edwards](#); [Rolnick, Addie](#); [Bonsitu Kitaba](#); [Calero, Melanie](#); [Vandal, Nicole](#)  
**Cc:** [krisztian@michigan.gov](mailto:krisztian@michigan.gov); [Russell, Erin \(EGLE\)](#)  
**Subject:** Concerned Pastors, et al v City of Flint, et al re: Outreach and Restoration Reporting  
**Date:** Thursday, June 22, 2023 3:57:20 PM  
**Attachments:** [Flint Outreach In-Person List.xlsx](#)  
[Flint Outreach Mailing List.xlsx](#)  
[2023-06-21 Restoration Completed in Current Phase.xlsx](#)  
[2023-06-21 Restoration Status \(Based on VIs and Known\).xlsx](#)

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Please find attached the following reporting spreadsheets:

- "2023-06-21 Restoration Status (Based on VIs and Known)" - contains separate tabs identifying those addresses where:
  - an in-person visual inspection indicated that restoration was complete, containing 22,478 addresses;
  - an in-person visual inspection indicated that restoration of some type was still required, containing 4,201 addresses; and
  - service line excavation (and where required, replacement) has been completed during the current phase of work, and restoration of some type is still required, containing 805 addresses.
- "2023-06-21 Restoration Completed in Current Phase" - contains 545 addresses where restoration work has been completed since 11/01/2022;
- "Flint Outreach In-Person List" - contains updated information on in-person outreach attempts for the 313 unique addresses that Plaintiffs alleged were missing some form of outreach;
- "Flint Outreach Mailing List" - contains updated information on mailing outreach completed for the addresses that Plaintiffs alleged were missing the required mailing outreach.

The City asserts (1) that all in-person restoration site visits where a contemporaneous record of restoration does not exist are complete, (2) all required outreach is complete, and (3) restoration reporting for restoration completed after 11/01/2022 has been provided.

Please let me know if you have any questions or concerns.

Thank-you.

Joe

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